



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *[Signature]*
DATE: November 19, 1997
SUBJECT: MUR 4594-Memo to the Commission

The attached is submitted as an Agenda document for the
Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE ☒
NON-SENSITIVE ☐

72 Hour TALLY VOTE ☐
24 Hour TALLY VOTE ☒
24 Hour NO OBJECTION ☐
INFORMATION ☐

DISTRIBUTION

COMPLIANCE ☒

Open/Closed Letters ☐
MUR ☐
DSP ☐

STATUS SHEETS ☐
Enforcement ☐
Litigation ☐
PFESP ☐

RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐

21.04.1402.4633

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WASHINGTON, D.C. 20535

arguments already reviewed and rejected by the Commission at the Executive Session on November 12th, this Office recommends that such Motion be denied.

II. DISCUSSION

The Motion submitted on behalf of Ms. Pang contains precisely the same arguments as the Motion that the Commission denied on November 12th. In fact, the language in this Motion is nearly identical to that of the prior Motion. Specifically, counsel argues that the statute of limitations at Section 2462 bars this matter, that the information sought by the Subpoena and Order is not relevant, and that the discovery is burdensome and oppressive. Attachment 1 at 1-3. As set forth in the GC Report of November 7th, this matter includes activity which occurred within the past five years and thus which the Commission would not be barred from seeking a civil penalty. In addition, the Commission may be able to obtain injunctive relief with respect to violations that occurred prior to the five year time-frame and it is unclear whether Section 2462 would even apply to investigations. See GC Report at pages 2-3.

Also as discussed in the prior GC Report, the information sought through the Subpoena and Order are relevant to the purpose of the investigation, and clearly meet the requirements of *United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950). Regarding counsel's claim of burdensomeness, as with Longevity, this Office will make every effort to negotiate compliance. This Office, therefore, recommends that the Commission deny the Motion to Quash. Should contingent suit authority be necessary for Ms. Pang, this Office will submit such recommendation at that time.

III. RECOMMENDATIONS

1. Deny the Motion to Quash of Maybelle Pang.
2. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

November 19, 1997
Date

BY: Lois G. Lerner *JB*
Lois G. Lerner
Associate General Counsel

Attachment:

1. Motion to Quash

Staff Assigned: Nancy Bell
Xavier McDonnell

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